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## **REMARKS**

Applicant is in receipt of the Office Action mailed July 1, 2004. Claims 1-33 are pending in the Application. Claims 1-6 and 12-14 were rejected, claims 7-11 were objected to but would otherwise be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims, and claims 15-33 were allowed. Applicant has amended claim 1 and various claims dependent therefrom to more fully and completely claim Applicant's invention. Applicant respectfully submits that claim 1, as amended, and claims dependent therefrom are allowable. Reconsideration of the present case is earnestly requested in light of the following remarks.

Applicant respectfully thanks Examiner for consideration of claims 7-11 and claims 15-33.

### **Objection to the Abstract**

The Abstract was objected to as not being in the proper form. Applicant has amended the Abstract to be within the range of 50 to 150 words. Applicant respectfully submits that the Abstract, as amended, is in proper form.

### **§102 Rejections**

Claims 1-6 and 14 were rejected under 35 U.S.C. 102(e) as being anticipated by Krishnamurthy et al. (U.S. Pat. No. 6,389,464, hereinafter "Krishnamurthy").

Applicant respectfully submits that claim 1, as amended, is patentably distinguished over Krishnamurthy and allowable based on at least the following reasoning.

The Office Action asserts that Krishnamurthy's col. 16, line 63 - col. 17, line 4 teach "Building a chain of transfer objects, wherein each transfer object corresponds to one of the plurality of transfer requests. . ." The Office Action further asserts "Note that all operations or request (objects) are bundled into a set of objects" (*emphasis added*).

Applicant respectfully submits that Krishnamurthy teaches and discloses aggregating multiple parameters into a single command:

In many devices, a single command can set multiple inter-related parameters in the managed device 14 in accordance with another aspect of the invention. For example, a satellite radio transmitter can be configured to use the correct frequency, modulation method, error correcting code and transmit power with a single command. The site server 12 of the present invention supports combining a group of parameters together and use of only one Set operation to send the command to the device 14. Thus, the SNMP variables for frequency, modulation method and error correcting code do not update the device 14 when set. When the last parameter, that is, the parameter actually configured to update the device as set, the site server 12 gathers all of the associated parameters and aggregates them into a single command. (Krishnamurthy col. 16, line 63 - col. 17, line 10) *(emphasis added)*

In other words, Krishnamurthy teaches and discloses aggregating multiple parameters into a single command and executing the single command rather than executing multiple commands for multiple parameters.

In contrast, Applicant's invention as currently recited in claim 1 includes in pertinent part, “. . .building a chain of transfer objects, wherein each transfer object corresponds to one of the plurality of transfer requests, wherein said building the chain of transfer objects includes linking the plurality of transfer objects together sequentially. . .*(emphasis added)*” Krishnamurthy nowhere teaches or suggests this feature.

The Office Action also asserts that Krishnamurthy's col. 16, line 63 - col. 17, line 25 teach “Performing the request of each transform object in the chain of transfer objects sequentially.”

Applicant respectfully submits that Krishnamurthy further teaches and discloses that multiple parameters can be returned in a single response:

In accordance with another aspect of the present invention, many parameters can be returned in a single response. A number of devices return information about many parameters in a single response. For example, a multi-channel RS-232 switch can return a single line with the settings of all of the switches of all the channels when the switch is queried for status information. In existing management systems, SNMP managers poll every parameter associated with the device and, accordingly, make a request for each channel, even though the necessary information had been extracted when status is read from the device the first time. The site server 12 of the present invention minimizes redundant commands to and responses from the device 14 by grouping related parameters to share a common response in a response cache. (Krishnamurthy col. 17, lines 10- 25) (*emphasis added*)

In other words, Krishnamurthy teaches and discloses in col. 16, line 63 - col. 17, line 25 that: (a) aggregating multiple parameters into a single command and executing the single command which executes the multiple parameters at once rather than executing multiple commands for the multiple parameters; and (b) returning multiple parameters in a single response rather than returning the multiple parameters in multiple responses.

In contradistinction, Applicant's invention as currently recited in claim 1 includes in pertinent part, “. . .receiving a plurality of transfer requests. . .(*emphasis added*)” and “. . .sequentially performing the request of each transform object in the chain of transfer objects. . .(*emphasis added*)” Krishnamurthy nowhere teaches or suggests this feature.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist &*

*Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, Applicant respectfully submits that claim 1 is patentably distinguished over Krishnamurthy. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 1 and those dependent therefrom are allowable.

Applicant respectfully requests removal of the §102 rejections.

### **§103 Rejections**

Claim 12 was rejected under 35 U.S.C 103(a) as being unpatentable over Krishnamurthy in view of Sescila, III et al. (U.S. Pat. No. 5,875,313, hereinafter “Sescila”). This rejection is respectfully traversed.

Applicant respectfully submits that there is no teaching, suggestion, or motivation to combine Krishnamurthy and Sescila in either of the references or in the prior art. As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolchem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. Furthermore, Applicant respectfully submits that it is nonobvious to combine Krishnamurthy and Sescila.

Claim 13 was rejected as being unpatentable over Krishnamurthy. This rejection is respectfully traversed.

Applicant respectfully submits that it is impermissible to engage in a hindsight reconstruction of Applicant’s claimed invention, using the applicant’s structure as a template and selecting elements from references and the art to fill the gaps. *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991).

Furthermore, Applicant respectfully submits there is no teaching, suggestion, or motivation to modify Krishnamurthy to use a Universal Serial Bus (USB) in either of the Krishnamurthy reference or in the prior art.

The Office Action cites various of the dependent claims as being rejected under 35 U.S.C. 103. Independent claim 1 has been amended to overcome rejections under 35 U.S.C. 102, and Applicant also respectfully submits that independent claim 1, as amended, is nonobvious and is allowable, as well. Applicant respectfully submits: "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)" as stated in the MPEP §2143.03. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claims 1-14 are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectfully requests removal of the §103 rejections.

## CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-39300/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



\_\_\_\_\_  
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